

R430-90-12, R430-50-12. INJURY PREVENTION.

Licensed Family 90-12:

- (1) The certificate holder shall ensure that the home, outdoor play area, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

Residential Certificate 50-12:

- (1) The licensee shall ensure that the home, outdoor play area, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

Rationale / Explanation

Proper maintenance is a key factor in trying to ensure a safe environment for children. Regular inspections are critical to prevent breakdown of equipment and the accumulation of hazards in the environment, and to ensure that needed repairs are made quickly. Regular maintenance checks and appropriate corrective actions documented in writing can reduce the risk of potential injury and provide a mechanism for periodic monitoring and improvements. CFOC, pgs. 109-110 Standard 3.038; pgs. 216-217 Standard 5.075; pg. 223 Standard 5.086; pgs. 262-264 Standards 5.194, 5.196; pg. 374 Standard 8.071

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older homes may be ingested, floor surfaces in disrepair could cause falls and other injuries, broken windows could cause severe cuts. Children's environments must also be protected from exposure to moisture, dust, and excessive temperatures. CFOC, pg. 273 Standard 5.231

Constant direct supervision is also needed in order to ensure that even well-maintained equipment is not used in unsafe ways. CFOC, pgs. 58-59 Standard 2.028

Enforcement

This rule is cited only when there is not another rule that specifically addresses an observed lack of safe maintenance or use of the home, grounds, toys, and equipment. The noncompliance level depends on the violation observed. Check with the Bureau Director before citing this rule.

Licensed Family 90-12:

- (2) The licensee shall ensure that the indoor environment is free of tripping hazards such as unsecured flooring or cords.

Residential Certificate 50-12:

- (2) The certificate holder shall ensure that the indoor environment is free of tripping hazards such as unsecured flooring or cords.

Rationale / Explanation

The purpose of this rule is to prevent injuries to children from tripping and falling. CFOC, pgs. 216-217 Standard 5.075

Enforcement

This rule does not prevent a home from having throw rugs.

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Always Level 3B Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

- (3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that a child could pull down on himself or herself.

Rationale / Explanation

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission (CPSC) estimates that at least 3000 children under age 5 were treated in U.S. hospital emergency rooms during 2005 for injuries associated with television tip-overs. In addition, between 2000 and 2005, CPSC received reports of 65 furniture tip-over deaths and 36 television tip-over deaths. Over 80% of these deaths involved young children. Secure anchoring of heavy equipment is essential for safe, stable installation. CFOC, pg. 259 Standard 5.182

Enforcement

This rule applies to items over 4' high, that are both heavy and unstable, and that children could climb up onto or would be strong enough to pull over. This includes an unstable piece of furniture less than 4' high if there is something heavy enough to injure a child, such as a television or small refrigerator, on top of the unstable furniture.

Always Level 1D Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
- (a) firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a locked cabinet or area, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;

Rationale / Explanation

The purpose of this rule is to prevent child injuries or deaths from firearms. Children have a natural curiosity about firearms and have often seen their use glamorized on television. Firearms pose a great potential for tragic accidents with children. CFOC, pg. 252 Standard 5.161; pg. 354 Standard 8.039

Enforcement

A weapon is defined as an item whose intended use is to cause harm to people or animals.

Always Level 1B Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
- (b) tobacco, open containers of alcohol, illegal substances, and sexually explicit material;

Rationale / Explanation

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco,

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alcohol, and illegal substances an absolute requirement in child care programs. CFOC, pg. 111 Standard 3.041; pg. 354 Standard 8.038

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. CFOC, pg. 111 Standard 3.041; pg. 354 Standard 8.038

Enforcement

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

Alcohol that has been opened but is corked/capped is considered inaccessible.

Level 2B Noncompliance: If children have access to tobacco, alcohol, or illegal substances.

Level 3C Noncompliance: If children have access to sexually explicit material.

Licensed Family 90-12, and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

(c) when in use: portable space heaters, fireplaces, and wood burning stoves;

Rationale / Explanation

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion. CFOC, pgs. 201-202 Standards 5.035, 5.037, 5.038

Enforcement

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

Level 2B Noncompliance for wood burning stoves or fireplaces.

Level 2D Noncompliance for portable space heaters.

Licensed Family 90-12, and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

(d) toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials;

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Rationale / Explanation

All of these substances can cause illness or death through accidental ingestion. Flammable materials are also involved in many flash fire burns admissions to burn units. CFOC, pgs. 215-216 Standard 5.073; pgs. 229-230 Standard 5.100; pgs. 232-233 Standards 5.106, 5.107; pg. 251 Standard 5.158

Enforcement

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

This rule is not intended to prevent preschooler from engaging in supervised activities with shaving cream.

Level 1D Noncompliance: if any of the following are accessible to children:

- *insecticide*
- *pesticide*
- *gasoline*
- *kerosene*
- *paint thinner*
- *turpentine*
- *bleach*
- *nail polish remover*
- *rubbing alcohol*
- *anti-freeze*

Level 3D Noncompliance: if household cleaners or motor oil are accessible to children.

Licensed Family 90-12, and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

- (e) poisonous plants;**

Rationale / Explanation

Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. CFOC, pg. 232 Standard 5.106

See CFOC, pg. 434, Appendix U for a list of safe and poisonous plants.

Enforcement

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

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Level 1D Noncompliance: if the plant is a type such that harm occurs by ingestion.

Level 3B Noncompliance: if the plant is a type such that harm occurs by touching a plant.

Licensed Family 90-12, and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

(f) matches or cigarette lighters;

Rationale / Explanation

Accidental fires are often started by children playing with matches and cigarette lighters. CFOC, pg. 251 Standard 5.157

Enforcement

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

Always Level 1D Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

(g) open flames;

Rationale / Explanation

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle. CFOC, pg. 251, Standard 5.157

Enforcement

This rule does not prevent a provider from having a birthday cake or cupcakes with candles, provided there is constant direct supervision of the lit candles until they are blown out.

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

Always Level 1B Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

(h) sharp objects, edges, corners, or points which could cut or puncture skin;

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Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. CFOC, pg. 109 Standard 3.038; pg. 223 Standard 5.087; pgs. 263-264 Standard 5.196

Enforcement

This rule does not include staples, staplers, or staple removers. It also does not include thumb tacks or push pins, except if they are on the floor in a room where there is an infant and/or toddler on the floor.

This rule is not meant to prohibit preschoolers from engaging in supervised woodworking activities.

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

Level 1D Noncompliance: if an axe or hatchet is accessible to children.

Level 2D Noncompliance otherwise.

Licensed Family 90-12, and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:**
- (i) for children age 4 and under, ropes and cords long enough to encircle a child's neck, such as those found on window blinds or drapery cords;**

Rationale / Explanation

Window covering cords are frequently associated with strangulation of children under five years of age. Cords and ribbons tied to pacifiers can become tightly twisted, or can catch on crib corner posts or other protrusions, causing strangulation. CFOC, pg. 252 Standard 5.160

Enforcement

This rule only applies if a child has access to a rope or cord longer than 12" that is attached to a solid structure (for example, a blind or drape cord), such that a child could hang themselves from it, and to pacifier cords longer than 12".

Always Level 1D Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:**
- (j) for children age 4 and under, empty plastic bags large enough for a child's head to fit inside, latex gloves, and balloons; and**

Rationale / Explanation

Plastic bags pose a suffocation risk for children. Rubber balloons and latex gloves can cause choking if children

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accidentally swallow them, or bite off parts of them and swallow them. CFOC, pg. 109 Standard 3.038; pgs. 223-224 Standards 5.087, 5.089; pg. 252 Standard 5.159

Enforcement

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom, (the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

This rule applies to empty, loose plastic bags only, not plastic bags with something in them, or a supply of plastic bags on a roll or in a box. This rule does not apply to latex gloves that are on a changing table, if they are only within reach of the child on the changing table. This rule also does not apply to trash can liners that are inside of a trash can.

Always Level 1D Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

- (k) for children age 2 and under, toys or other items with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches, or objects with removable parts that have a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches.**

Rationale / Explanation

These items pose a choking hazard for small children. CFOC, pg. 223 Standard 5.087

Enforcement

This rule does not apply to two-year-olds having access to crayons or chalk. This rule also does not apply to items 1/2" in diameter or smaller, such as rice, beans, small buttons, small beads, sequins, and small craft eyes, because they are small enough that if a child swallows one, it would not be large enough to block the airway and make a child unable to breathe. For this same reason, paper clips accessible to children are not a violation of this rule.

This rule does not prohibit children age 3 and older from engaging in art activities or games that have small pieces, as long as these items are not left on the floor with children age 2 and under in the same room, or left out on a shelf under 36" high and 24" deep, where they are visible to children age 2 and younger.

If children age two and under are in a carefully supervised activity, such as an art activity with a caregiver sitting at the art table with them, they may use art materials smaller than the allowed size, such as pom-poms or craft eyes larger than 1/2" in diameter. However, these items may not be accessible to these children unless a caregiver is at the table with the children supervising their use of these items.

If an item is at the back of a counter/shelf that is at least 36" high and 24" deep, the item will be considered inaccessible to children. If children sleep on a bed, items will be considered inaccessible if they are on a shelf that is at least 36" up from the surface of the bed. If an item is in a bathroom, to be considered inaccessible it must be on a shelf or in a cabinet that is at least 36" above any surface the child could climb on in the bathroom,

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(the counter, sink, toilet, tub, etc.), unless the cabinet is secured with a child safety device.

Always Level 1D Noncompliance.

Licensed Family 90-12, and :

- (5) The licensee shall ensure that all toxic or hazardous chemicals are stored in a container labeled with its contents.

Residential Certificate 50-12:

- (5) The certificate holder shall ensure that all toxic or hazardous chemicals are stored in a container labeled with its contents.

Rationale / Explanation

The purpose of this rule is so that a toxic or hazardous chemical is not mistaken for a harmless material. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. CFOC, pgs. 229-230 Standard 5.100

Enforcement

Always Level 2D Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

- (6) Electrical outlets and surge protectors accessible to children age four and younger shall have protective caps or safety devices when not in use.

Rationale / Explanation

Preventing children from placing fingers or sticking objects into exposed electrical outlets prevents electrical shock, electrical burns, and potential fires. Oral injuries can also occur when young children insert a metal object into an outlet and try to use their teeth to extract the object. The combination of electricity and mouth moisture closes the electrical circuit, and can lead to serious life-long injuries. CFOC, pgs. 206-207 Standard 5.048

Enforcement

Always Level 2D Noncompliance.

Licensed Family 90-12, and Residential Certificate 50-12:

- (7) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

Rationale / Explanation

Tap water burns are the leading cause of nonfatal burns, and children under 5 years of age are the most frequent victims. Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin. CFOC, pg. 202 Standard 5.040

Enforcement

The thermometer should be held in running water until the temperature on the thermometer stops rising. Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the

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temperature measures 123 degrees or hotter.

Level 2D Noncompliance: If the hot water temperature is 128 degrees or higher.

Level 3D Noncompliance: If the temperature is between 123 and 127 degrees.

Licensed Family 90-12, and Residential Certificate 50-12:

(8) High chairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.

Rationale / Explanation

The purpose of this rule is to prevent children from sliding out of a high chair and falling to the ground, or sliding partway out and becoming entrapped, which poses a strangulation hazard. CFOC, pg. 220 Standard 5.081

Enforcement

Always Level 2B Noncompliance.